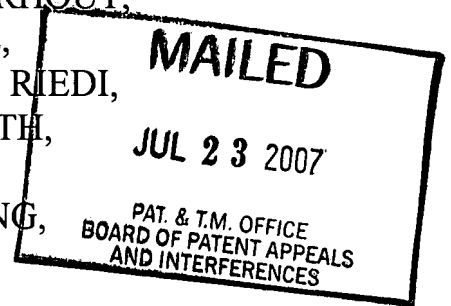


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT MILLER, MARTIN OSTERHOUT,
JACQUES DUMAS, UDAY KHIRE,
TIMOTHY BRUNO LOWINGER, BERND RIEDI,
WILLIAM J. SCOTT, ROGER A. SMITH,
JILL E. WOOD, DAVID E. GUNN,
MARTHA RODRIGUEZ, MING WANG,
TIFFANY TURNER, and
CATHERINE BRENNAN,



Application No. 09/776,936

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 14, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On May 3, 2005, a Final Rejection was entered into the record. On page 2, under the heading "Claim Rejections – 35 USC § 112" the examiner stated that claims 15-19 and the newly added claims 28-33 are rejected under 35 U.S.C. § 112, first paragraph. However, on page 3 of the examiner's answer mailed on February 27, 2007, the examiner rejected claims 15-19 under 35 U.S.C. § 112, first paragraph. Appropriate correction is required.

In addition, on page 8, the examiner maintains claim 20 under grounds of rejection. However, on September 1, 2006, the appellants filed an amendment after final canceling claim 20, which were considered by the examiner on October 16, 2006. The examiner's answer is deficient because the examiner did not remove the cancelled claim from the grounds of rejection. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) vacate the Examiner's Answer mailed February 27, 2007, and issue a revised Examiner's Answer for clarification of claims 20, and 28-33; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/dal

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